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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,981	10/05/2005	Teunis Bernard Geijtenbeek	3403-P10318US	9614
24247 TRASKBRITT, P.C. P.O. BOX 2550 SALT LAKE CITY, UT 84110	7590 01/24/2011			
EXAMINER				
JUEDES, AMY E				
ART UNIT		PAPER NUMBER		
1644				
NOTIFICATION DATE		DELIVERY MODE		
01/24/2011		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTOMail@traskbritt.com

### Office Action Summary

**Application No.**

10/533,981

**Applicant(s)**

GEIJTENBEEK ET AL.

**Examiner**

AMY E. JUEDES

**Art Unit**

1644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 December 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 68-75 and 78 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 68-75 and 78 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-040)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed 12/27/10 in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/27/10 has been entered.

Claims 68-75 been amended.

Claim 77 has been cancelled.

Claim 78 has been added.

Claims 68-75 and 78 are pending and are under examination.

2. Upon reconsideration, the previous grounds of rejection are withdrawn. The following are new grounds of rejection.

3. The following are new grounds of rejection.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 75 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 75 recites the limitation "said C-type lectin receptor" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 68-71, 75, and 78 are rejected under 35 U.S.C. 102 (b) as being anticipated by WO 98/39027 (of record).

WO 98/39027 teaches a method of stimulating an immune response comprising administering a glycoconjugate comprising a Lewis X antigen (i.e. a second antigen, see page 4 in particular). WO 98/39027 teaches that the Lewis X antigen can be conjugated to a glycolipid or to a tumor protein antigen (i.e. a first antigen, and a protein which is capable of being processed and presented as peptides in the context of MHC class I/II, see page 4). WO 98/39027 teaches performing the method for the treatment of patients suffering from cancer (i.e. a patient who has been exposed to the tumor antigen, see page 4). Furthermore, said conjugate would inherently contact a C type lectin receptor in vivo.

Thus, the reference clearly anticipates the invention.

6. Claims 68-72, 74-75, and 78 are rejected under 35 U.S.C. 102 (b) as being anticipated by Appelmelk et al., 1996.

Appelmelk et al. teach a method of stimulating an immune response comprising administering a composition comprising *Helicobacter pylori* LPS to a subject (i.e. an individual). Said LPS is a glycolipid antigen (i.e. a first antigen). Appelmelk et al. teach that said LPS expresses (i.e. is conjugated to) a Lewis X antigen (i.e. a second antigen). Furthermore, the subjects of Appelmelk et al. can be considered "at risk" of being exposed to *Helicobacter* antigens, including LPS. Furthermore, said Lewis X antigen inherently binds to a C type lectin receptor.

Thus, the reference clearly anticipates the invention.

7. Claims 68-71, 73-75, and 78 are rejected under 35 U.S.C. 102 (b) as being anticipated by Boros et al., 1973, as evidenced by WO 97/27872.

Boros et al. teach a method of stimulating an immune response comprising administering a composition comprising soluble schistosoma egg antigen to a subject (i.e. an individual). As evidenced by WO 97/27872, SEA antigens comprises schistosoma proteins (i.e. a first antigen) conjugated to Lewis X antigens (i.e. second antigen, see page 13, in particular). Thus, Boros et al. has performed the method of the instant claims. . Furthermore, SEA protein antigens are capable of being processed and presented as peptides in the context of MHC class I/II. Furthermore, the subjects of Boros et al. can be considered "at risk" of being exposed to shistosoma. Furthermore, said Lewis X antigen inherently binds to a C type lectin receptor.

8. No claim is allowed.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy E. Juedes, whose telephone number is 571-272-4471. The examiner can normally be reached on 8am to 4:30pm, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on 571-272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit: 1644

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